

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:13-cv-15
Plaintiff,	:	Consolidated with Case No. 3:13-mc-16
	:	
vs.	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
	:	
DAVID W. BARKER, M.D., <i>et al.</i> ,	:	
Respondents.	:	

DECISION AND ENTRY:

- (1) ADOPTING THE REPORTS AND RECOMMENDATIONS OF THE
MAGISTRATE JUDGE;
(2) OVERRULING DEFENDANT BARKER'S OBJECTION;
(3) PERMANENTLY ENJOINING DEFENDANTS FROM FURTHER
VIOLATIONS OF RULE 32.1(k);
(4) DISSOLVING THE ORDERS TO SHOW CAUSE; AND
(5) DISMISSING THESE CONTEMPT PROCEEDINGS
(BUT FOR EXPRESSLY RESERVING JURISDICTION
TO ENFORCE THIS DECISION AND ENTRY)**

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 19 in Case No. 3:13-mc-15; Doc. 13 in Case No. 3:13-mc-16). Defendant David W. Barker, M.D. filed an Objection to the original Report and Recommendations. (Doc. 20 in Case No. 3:13-mc-15). Defendant Andrew Yosowitz did not file any objection to the Report and Recommendation of the Magistrate Judge, and the time for doing so has expired. In response to the Objection of Defendant Barker, the Magistrate Judge issued a Supplemental Report and Recommendations. (Doc. 23 in Case No. 3:13-mc-15; Doc. 16 in Case No. 3:13-mc-16). The parties filed no objections to the Supplemental Report and Recommendations, and the time for doing so has expired. The issues are now ripe.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), upon reviewing the filings presented herein *de novo*, including the comprehensive findings of the Magistrate Judge, the Court: (1) **ADOPTS** the Reports and Recommendations of the Magistrate Judge (Docs. 19, 23 in Case No. 3:13-mc-15; Docs. 13, 16 in Case No. 3:13-mc-16); (2) **OVERRULES** Defendant Barker's Objection (Doc. 20 in Case No. 3:13-mc-15); (3) permanently **ENJOINS** Defendants from any further violations of Rule 32.1(k);¹ (4) **DISSOLVES** the Orders to Show Cause; and (5) **DISMISSES** these contempt proceedings, but for expressly reserving jurisdiction to enforce the Court's Orders.²

IT IS SO ORDERED.

Date: April 7, 2014

s/ Timothy S. Black
Timothy S. Black
United States District Judge

¹ Respondents Barker and Yosowitz, severally, along with their agents, servants, employees, and attorneys and all other persons in active concert or participation with them, are permanently enjoined from disclosing the contents of the Walden PSI as that term is defined in the Report. In addition, Respondent Yosowitz is **ORDERED** to provide a copy of this Order to attorney Joanne Beasy.

² The Report concluded with the recommendation

that upon receipt of a written apology from Respondents for violating Rule 32.1(k) and their written certificate that they have surrendered to the Court all copies (in paper or electronic form) that they possess of the Walden PSI, the Court enjoins them from any further violations of the Rule, dissolves the Orders to Show Cause, and dismisses these contempt proceedings.

(Doc. No. 19, PageID 144.) Both Respondents have complied with those requirements (Exhibit 1 to Doc. No. 20; Doc. No. 21), and the Court accepts the apologies and certifications.